

NEM:DEL  
F. #2021R00766

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

I N D I C T M E N T

- against -

ROBERTO BURBANO,  
also known as "Cash,"

Defendant.

Cr. No. 1:21-cr-00440(WFK)(RLM)  
(T. 18, U.S.C., §§ 922(g)(1), 924(a)(2),  
924(c)(1)(A)(i), 924(d)(1) and 3551 et  
seq.; T. 21, U.S.C., §§ 841(a)(1),  
841(b)(1)(C), 841(b)(1)(D), 846, 853(a)  
and 853(p); T. 28, U.S.C., § 2461(c))

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THE GRAND JURY CHARGES:

COUNT ONE

(Conspiracy to Distribute and Possess with Intent to Distribute  
Controlled Substances)

1. In or about and between July 2018 and February 2019, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ROBERTO BURBANO, also known as "Cash," together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute one or more controlled substances, which offense involved (a) a substance containing marijuana, a Schedule I controlled substance, (b) a substance containing cocaine, a Schedule II controlled substance, and (c) a substance containing oxycodone, a Schedule II controlled substance, contrary to Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846, 841(b)(1)(C) and 841(b)(1)(D);

Title 18, United States Code, Sections 3551 et seq.)

COUNT TWO

(Possession of Cocaine with Intent to Distribute)

2. On or about February 28, 2019, within the Eastern District of New York, the defendant ROBERTO BURBANO, also known as “Cash,” did knowingly and intentionally possess with intent to distribute a controlled substance, which offense involved a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 3551 et seq.)

COUNT THREE

(Felon in Possession of a Firearm)

3. On or about February 28, 2019, within the Eastern District of New York, the defendant ROBERTO BURBANO, also known as “Cash,” knowing that he had previously been convicted in a court of one or more crimes punishable by a term of imprisonment exceeding one year, did knowingly and intentionally possess in and affecting commerce one or more firearms, to wit: a .357 caliber Ruger revolver bearing serial number 160-28848 and a .45 caliber Hi-Point Firearm semi-automatic pistol bearing serial number X401677.

(Title 18, United States Code, Sections 922(g)(1), 924(a)(2) and 3551 et seq.)

COUNT FOUR

(Possessing a Firearm During a Drug Trafficking Crime)

4. On or about February 28, 2019, within the Eastern District of New York, the defendant ROBERTO BURBANO, also known as “Cash,” did knowingly and intentionally use and carry one or more firearms during and in relation to one or more drug

trafficking crimes, to wit: the crimes charged in Counts One and Two, and did knowingly and intentionally possess such firearms in furtherance of said drug trafficking crimes.

(Title 18, United States Code, Sections 924(c)(1)(A)(i) and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION  
AS TO COUNTS ONE AND TWO

5. The United States hereby gives notice to the defendant that, upon his conviction of either of the offenses charged in Counts One and Two, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853(a), which requires any person convicted of such offenses to forfeit: (a) any property constituting, or derived from, any proceeds obtained directly or indirectly as the result of such offenses; and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including but not limited to: (i) a .357 caliber Ruger revolver bearing serial number 160-28848, and (ii) a .45 caliber Hi-Point Firearm semi-automatic pistol bearing serial number X401677, both seized on or about February 28, 2019, in Queens, New York (together, the “Seized Firearms”).

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

CRIMINAL FORFEITURE ALLEGATION  
AS TO COUNTS THREE AND FOUR

7. The United States hereby gives notice to the defendant that, upon his conviction of either of the offenses charged in Counts Three and Four, the government will seek forfeiture in accordance with Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), which require the forfeiture of any firearm or ammunition involved in or used in any knowing violation of Title 18, United States Code, Section 922 or Section 924, or any violation of any other criminal law of the United States, including but not limited to the Seized Firearms.

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:


- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 924(d)(1); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL

  
\_\_\_\_\_  
FOREPERSON

  
\_\_\_\_\_  
JACQUELYN M. KASULIS  
ACTING UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK



F#:2021R00766  
FORM DBD-34  
JUN. 85

No. \_\_\_\_\_

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**UNITED STATES DISTRICT COURT**

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

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THE UNITED STATES OF AMERICA

vs.

ROBERTO BURBANO,

Defendant.

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**INDICTMENT**

(T. 18, U.S.C., §§ 922(g)(1), 924(a)(2), 924(c)(1)(A)(i), 924(d)(1), and  
3551 et seq.; T. 21, U.S.C., §§ 841(a)(1), 841(b)(1)(C), 841(b)(1)(D),  
846, 853(a) and 853(p); T. 28, U.S.C., § 2461(c))

*A true bill.*

\_\_\_\_\_  
  
Foreperson

Filed in open court this \_\_\_\_\_ day,

of \_\_\_\_\_ A.D. 20 \_\_\_\_\_

\_\_\_\_\_  
Clerk

Bail, \$ \_\_\_\_\_

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*Devon Lash, Assistant U.S. Attorney (718) 254-6014*